

MINUTES

SALINA BOARD OF ZONING APPEALS

City Commission Room 107

Thursday, July 19, 2007

MEMBERS Funk, Morse, Schmitt, Wilson and Worth
PRESENT:

MEMBERS

ABSENT: Lange and Sanborn

STAFF

PRESENT: Andrew, Asche and Burger

Item #1. Approval of the minutes of the regular meeting of May 17, 2007.

The minutes of the regular meeting held on May 17, 2007 were approved as presented.

Item #2. Application #V07-6, filed by Ron Barragree, requesting a minimum lot width variance of 45 ft. from 75 ft. to 30 ft. to allow construction of a storage building on property located in a C-5 (Service Commercial) district. The subject property is located just to the south of Barragree Rental on a portion of Lot 1 of the Bel-Air Addition to the City of Salina, Saline County, Kansas and is addressed as 1520 S. Broadway Blvd.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mr. Schmitt asked are there any questions of the staff?

Mr. Wilson stated I have a few questions Dean. Before 1983 that 30 ft. strip was part of the Barragree or the RSC lot?

Mr. Andrew stated I believe that is the case.

Mr. Wilson stated when they sold it was split off for some reason.

Mr. Andrew stated it was either that or it was not included in the sale. I think that's probably what occurred was that there was a transfer of property and this property was not included in that transfer. But the applicant would have to confirm that.

Mr. Wilson stated we'll hear from him later. The driveway directly in front of that lot is that City property or is that a private driveway for RSC?

Mr. Andrew stated it is a private driveway. It appears to function somewhat as a private frontage road but it is not a public frontage road or a part of the right-of-way for Broadway. It's a private driveway.

Mr. Wilson asked so the property owners would maintain that?

Mr. Andrew stated right.

Mr. Wilson asked if we did approve this storage building are there any City regulations about what types of things you can't store, like chemicals and things like that?

Mr. Andrew stated generally this would be considered a commercial building so usually what the Building Services Department will do is have a Process and Storage information form and they ask the owner in the case of any warehouse or storage building to provide information about what types of materials would be stored there. But based on the type of building that would normally be built for cold storage that generally would not allow for any flammable or hazardous-type materials. Cold storage is primarily supposed to be inert and not hazardous-type materials.

Mr. Wilson stated it's so close to the Girl Scout building. One more thing, did you receive any comments from neighboring property owners?

Mr. Andrew stated I'm not aware of any. John, we I didn't receive any letters or any correspondence that we put in the packet did we?

Mr. Burger stated not to my knowledge.

Mr. Wilson stated okay. That's all I had.

Mr. Funk asked what kind of side clearance does the Girl Scout building have? Do they have their required 3 ft. or where is their property line?

Mr. Andrew stated I think it is very close to being at or near the property line. But again, you can build a building to the property line it's just you have to have a fire rated exterior and generally no openings on that. But some of it's going to depend on the date of the building and when it was built.

Mr. Funk asked you make use of the term "storage for personal items only", does that run with the deed if this building or lot were sold with a building?

Mr. Andrew stated there's a pretty fair demand, for instance we have in our residential areas, that I'm sure you're familiar with, there is a maximum size of garage that you can build on a residential lot. A lot of people who have things that maybe they can't accommodate on the lot that they own,

their residential lot, they're looking for a place whether it's an antique automobile or items like that where they can have a separate space for storing those types of things. What personal items or cold storage really means is that it does not become a warehouse or a place that a business like Budweiser uses as a warehouse to store product or things like that, which is going to increase the frequency of trips and you're looking at delivery vehicles and things like that. Regardless of who it is owned by in the long term, if it's only used for personally owned property and not related to the operation of some business then the traffic, use, need for parking and maneuvering all becomes less if it's limited to that. We primarily use the term cold storage to refer to a building that is not habitable, it is not heated, doesn't have restrooms and doesn't have an office. It is just used for storage. Personal items, if that is too restrictive, then you're limited to cold storage would be the proper terminology because you don't want it to become a warehouse and you don't want it to be converted by having added bathrooms, offices or things like that. We don't think this lot supports that unless they have some arrangement with their neighbors for additional parking or access or maneuvering. That is the difficulty is that you can't really head a car into 30 ft. or a truck and get it all turned around and stay on your own property. That would be the primary concern there. It would be a tight fit between the Girl Scout building and this building.

Mr. Funk asked I was just wondering if the present day owner someday says I don't need it anymore, could he rent it out to someone not as a warehouse but again as a storage for personal items?

Mr. Andrew stated if he wanted to rent it to his neighbor to allow them to store their personal items there that would be fine. It's not necessarily for personal use, but for the types of items there, that it is not used as a location for a business.

Mr. Schmitt asked are there any more questions of staff?

Mr. Worth stated I agree that this lot size and width would make it almost impossible to market. Because very few people could use a lot that size. But I will say one thing, in the information provided to us it indicated that it was impossible to turn an automobile around in there. I would disagree with that. I drive a Buick Century and I turned it around. It was a little difficult, but it's possible. The lot is almost impossible to market the way it is.

Mr. Wilson stated I will disagree with Richard. I drive a small car and in one motion you can't turn a car around, you have to back over and back around.

Mr. Worth stated that is what I did. It can be done but it's very difficult.

Mr. Wilson state it can be done but it's not convenient.

Mr. Schmitt asked are there any other questions for staff? Would the applicant or representative care to address the Board? Please state your name and address.

Ronald Barragree, 7 Red Fox Lane, stated the purpose for building this garage is to store vehicles and a boat. I have five vehicles and a boat that I need a place to store and that's the purpose for the building. The Girl Scout building is off-set from the property line about 3 ½ ft. My building will be 3 ft. off of the property line so there will be 6 ½ ft. there to get access in there for maintenance and construction. There is a drainage system there now that runs along the back of the lot and over to the easement by the railroad tracks. The drainage is already existing. There is already in place a 6 ft. wooden fence and there are three big trees that obscure the view from the neighbors. I'm going to have Morton Buildings erect the building. They are going to use fire rated material on the side walls to meet the city code. Do you have any other questions?

Mr. Morse asked are you going to have to get permission to be able to turn around on the Broadway side?

Mr. Barragree stated I will be the only one in there. There is plenty of room to turn around when you back out onto the shared approach. It is wide. There won't be any traffic in there except for myself. I didn't measure that approach but it is at least a 40 ft. driveway.

Mr. Funk asked in a metal building what constitutes a fire wall?

Mr. Barragree stated there will be a layer of sheet rock on the outside of the wall then insulation and then another layer of sheet rock on the inside of the wall. It gives it a substantial fire rating.

Mr. Funk asked are you going to have metal sheeting on the outside in an all metal building?

Mr. Barragree stated it is covered in metal.

Mr. Funk asked after you have the sheet rock?

Mr. Barragree stated right.

Mr. Funk asked sheet rock on the outside, sheet rock on the inside and a metal panel on the outside?

Mr. Barragree stated right.

Mr. Funk asked will you have any services to this building like electrical, gas, water or sewer?

Mr. Barragree stated only electricity.

Mr. Schmitt asked does anyone else have any questions?

Mr. Wilson stated I have a comment. This is going to be a 24 ft. by 64 ft. building and there is only 3 ft. on each side. You won't be able to put any side doors on. You're going to have to enter from one door at the front, is that right?

Mr. Barragree stated that is right.

Mr. Wilson stated I would imagine that would be inconvenient in storing things in there. You would have to stack them in just right and take them out just right.

Mr. Barragree stated on the east end of the building there will be two 10 ft. overhead doors. I won't need a side door at all.

Mr. Wilson stated I was just thinking of the convenience because it's a long building and then placing things. Of course that's up to you. I noticed RSC, I used to shop there when it was Barragree Rental, but is RSC closing down? If they do, if RSC closes down and sells that property do you think the new owner would have any objection to you using the drive there to bring in your vehicles and things like that.

Mr. Barragree stated no, that's a shared driveway. So it's shared by all of the property owners along there.

Mr. Wilson asked so no one property owner owns it then?

Mr. Barragree stated no.

Mr. Wilson stated okay, thank you.

Mr. Schmitt asked do you have something you want to say?

John Bowden, Morton Buildings, stated I would like to ask the Board to approve this variance appeal. It is a personal building and he has asked about the building code compliance and Morton Engineers and Architects will ensure that the building is designed to adhere to all of those building codes that Salina has to maintain. As a second line of defense, the head of the Building Department here in Salina will make sure that Morton Buildings themselves will maintain that code compliance. So, I ask that the Board approve the variance for Mr. Barragree. Thank you.

Mr. Schmitt asked do we have any others in the audience that would like to make a comment?

Todd Welsh, 221 S. Morris, stated I'm here on behalf of the Girl Scouts, I was President of the Board of the Girl Scouts when we made the decision to buy the welding property next to this which is now the Girl Scout building. We have several concerns. One right off of the top, we think that, nothing against Morton Building or Mr. Barragee himself, I think they put up a nice product and he's a nice guy who has ran a great service for years in here. The biggest problem we have is, if you could run an elevation on that, Ron said that there was adequate drainage back there. When we first moved in to this property we experienced a large amount of water coming in from the north side of that property. Some of that was due to the drainage that is now there. As you can see the gutters up on the top left hand (north) corners were not there when we bought the property. We spent a large amount of money on landscaping on the left hand side as well as hanging gutters. We solved the problem for a short amount of time and then Ron started doing some work, moving some gravel around and doing some dirt work inside there which created the drainage flow problem we had. We again had more water enter the building after that work was done. We want to be great neighbors. We never want to stop any type of progress. But our biggest concern is, and you can see that this building sits extremely lower than the adjacent property, if another structure is put in there our concern is that now you're adding more concrete, you're going to do some moving of more dirt, you're going to have some sort of a downspout system and if you're going to start funneling all of that water off of a large structure of that magnitude of 24 ft. by 60 ft. it has to go somewhere. Now instead of it being spread out and saturated by the ground it's flowing directly from somewhere. We would like that to be addressed by the owner before the Girl Scout Board would probably look at it and say that it's ok. We just had \$20,000 worth of damage. It was an act of nature from the flood. But every time we get a 2-3 inch rain you can drive by there and there is a massive amount of water in that lower parking lot and most of it comes and drains straight from that way but once it hits the driveway it has nowhere to go but downhill and then goes into that parking lot which then tries to go back out to the back area that Mr. Barragee was talking about. The whole drainage and sloping of this project, and he would have to agree because he's spent a lot of time there, is a mess. I think we got it somewhat under control without a large amount of rain. We're just concerned, again Morton Building puts up a phenomenal building, we just would like that addressed to say that just because he puts up a building does that mean that we're going to have more drainage problems on our other side. The second thing that I would add, by putting that structure in, buildings are put up and the original owner typically takes great care of it and he's usually going to use it for personal storage. If he were to ever sell it, a guy could buy it for race car storage and he pulls it out and starts parking cars on the outside, what other things could be set in place if it were approved that

says there's not outside storage of vehicles. The worst thing the Girl Scouts would want is to have fifteen cars stored outside because it is now C-5 zoning and things to start to be piled up. As well as could there be a fence put back there? We do have girls that play in the back area. If they were to go along through there and if their antifreeze started to be stored in the back and open oil cans and people come from the adjoining area and behind that could people start playing around in areas not fenced? I'm understanding that C-5 allows the fencing to be behind it. Maybe Ron isn't planning on doing anything but the Girl Scouts are planning on being there for years to come. We do serve girls who take breaks and go out of bounds and do whichever. But I know fences are put in places so things don't happen. I think that's our concern from the Board. We really don't like the idea at all but we want to be great neighbors. To me, like Dick was saying, it's not a marketable property. But we didn't choose for it to be that way. He owned the property, it became a 35 ft. thing and they've created their own problem and we just don't want to have to suffer as the adjoining neighbors to a problem that they created back in 1983. Any questions?

Mr. Wilson stated yes, I have a couple. Is the elevation of that gravel lot above, it looks like it's higher than the elevation of the Girl Scout building, is that right Dean?

Mr. Andrew stated you can really see it from the front. You see it to a lesser degree here but from the front view where there is almost a retaining wall there is quite difference in elevation there.

Mr. Welsh asked if you could go to the back view though where it shows the water tank, if you could get that shot of the one that you can see the water tank in the back?

Mr. Andrew stated I think going from back to front John.

Mr. Welsh asked see how that slopes to the side there and we have that wall there? That water just runs straight into that. It would fill that basement up based on the way that's sloped. All of the things that you see on the front that's that retaining wall we had to create that when we moved in based on that gravel continuing to wash away and was coming down through there. We spent the money to do that. Again, I'm not sure when Ron brought in more gravel or did whatever but you can see it just washes straight towards that building. If you only have a 3 ft. setback and you're running 60 ft. of gutter off of that, you have to put that somewhere, where is that water going to be directed and go to?

Mr. Wilson asked on the west side of the Girl Scout building is there an outdoor area where the girls might play out there sometime? You mentioned a fence back there.

Mr. Welsh stated there is one but we have a fence on the backside. We have our property fenced in so if they were there. Again, one could say what are the girls doing on my property? But I'm just saying kids are kids and our concern is, and I think probably even Ron's and I think Ron is a great guy and he could say I don't want anything going back there, and maybe it's Ron saying he's not going to store anything back there. But if a gentleman has another door opened on that end you could start pushing cars and if you've ever seen the back door mechanics you could have an engine here, a transmission, fluids and everything starts laying back there and it becomes an eyesore. We just want to make sure that doesn't happen. From that fence we can see that property in the back and if we ever have any type of parties or if girls are playing we just want to make sure there is not a nuisance that is started from maybe not only Mr. Barragree but also if he sells it in the future they may not be as good of caretakers as Ron.

Mr. Wilson stated I agree the water runoff is a problem and could be significant there.

Mr. Bowden stated I would like to address the gutter runoff. This picture kind of shows the gutter ending part way down the building here. The previous picture, I think looking back the other way, will show at this time that there is not a gutter there. Am I seeing this wrong that there is not gutter there? So all the water is coming off his roof and is dumping onto the side so I think if another set of gutters, which my building will have, and will be directed to the back. We're going to stop that water. For the footprint of the building the water is going to be directed by those gutters. If those gutters on the Girl Scout building were extended it would help greatly reduce the water factor right there. You're going to get water there whether the building is there or not. We're going to try to control it with our gutters and downspouts.

Mr. Funk asked are you going to drain the downspouts to the rear of the lot, clear to the west of the easement?

Mr. Bowden stated that is the plan at this time. We can direct the water up to 60 ft. I think it's up to 75 ft. actually, and we plan on taking it to the rear of the lot on the west side. So that would take that water that was falling in that area that was directed towards the Girl Scout building and we would stop that water by a gutter system and direct it west to the back which would be past the Girl Scout building. I know that there is not very much clearance there but we are trying to take some of the water that is falling there and take it away to the back part of the building away from the Girl Scout building.

Mr. Schmitt asked when you say back, how far away is the railroad track?

Mr. Bowden stated we have a 10 ft. easement there or a clearance there. The building as it is drawn would be directly in line with the Girl Scout building. The water that we capture in the gutter system would be dropped at that corner. I'm not familiar with the railroad tracks. I don't know the distance there.

Mr. Funk asked which way does that drain once you get to that drainage easement there?

Mr. Bowden stated I would say it would go towards the Girl Scout building.

Mr. Funk asked does it drain north or south?

Mr. Barragree stated it drains to the north.

Mr. Andrew asked do you want to pan that a little bit John? The railroad tracks would be on the left hand side just out of the picture.

Mr. Schmitt asked so you're saying the water goes north to the railroad tracks?

Mr. Wilson stated another consideration, there is a house just to the west there. What would happen to that property with the water runoff?

Mr. Bowden stated they're going to get the same amount of water there whether we have the gutters or downspouts on there or not. It's just where it's dropping. Is it going to drop along the Girl Scout building or is it going to drop along the corner? We're trying to save the water from dropping along the Girl Scout building by diverting it to the back corner. You're going to get the same amount of water draining there one way or another. It's all going to come back to that corner whether it's in our downspout or whether it's in the stemwall of the Girl Scout building.

Mr. Funk asked Dean could we make that another stipulation of your staff recommendation is to make sure the guttering system is drained clear to the west easement?

Mr. Andrew stated I think that was probably the only question we were unsure of. It was kind of a technical question as to how long a building or how much can you direct one direction and where do you have to break. Do you send part to the east towards Broadway and part to the west? When I looked back through our report we addressed it in our staff report but not in the recommended conditions. But you could certainly add a condition that a gutter and downspout system directing runoff to the west be a requirement. The other item, Condition #1 says use of the building shall be limited to storage of personal items only or for cold storage. We could certainly modify that to say it shall be limited to indoor storage of personal items only, cold storage, no outdoor storage shall be permitted.

What that would mean is that as Mr. Welsh indicated, in the C-5 district there is no prohibition on people having outdoor storage as you can see on the property to the north. So if you wanted to make that a stipulation then the condition would be the use of the building would be limited to storage but you could qualify that by saying indoor storage. Then it is incumbent on us that if in the future there is a sale of the property and somebody is using it and they have outdoor storage then we have a record of this variance hearing and we would get with those new owners and say that there was a stipulation on this building that it was indoor storage only. You would have to qualify that through a condition because Mr. Welsh is correct that C-5 zoning does allow for outdoor storage of materials, equipment and things of that nature.

Mr. Funk asked as things stand right now if we did not approve this variance and allow this building to be built, could the owner store boats, cars, etc. on that lot as it exists?

Mr. Andrew asked as outdoor storage? Yes. If you wanted to build a chain link fence and use it to store boats or trailers on an outdoor basis, yes that could be done without having a building on it.

Mr. Funk stated it would be better off with a building.

Mr. Wilson stated Mr. Andrew you said if you use gutters the water might be directed towards the west. The question that I had before would that affect the houses, yards or properties? Where would all of that water go?

Mr. Andrew stated we don't have a lot of topography or contour information, but the consensus is if the water goes that way it's just going to get there quicker coming off a roof but it's not changing the natural direction of flow. There appears to be a drop off where the common lot line is the low point. It is going to go in that area and head to the north.

Mr. Wilson asked is that kind of a low point or a trench back there? Let me ask you as a City employee could you give us any advice on the drainage of that lot? What do you think would happen if the building was approved and there was a heavy rain?

Mr. Andrew stated I would say if there was a heavy rain on it today it's going to hit that gravel, run off and it's going to go to the west. What you're going to have here instead of a sheet flow coming off, because if you look at the view it does drop off to the west there, you're just going to have it in a more concentrated place. It's going to come out of a gutter and downspout as apposed to a sheet flow. But the difference between coming off of a rooftop and coming off a hard gravel surface is not that much of a difference. It's just going to be more concentrated.

Mr. Wilson stated okay, thanks.

Mr. Schmitt asked do we have someone else in the audience that would like to speak?

Paul Karcher, owner of Barragree Rental, stated as far as the water it primarily snakes through Barragree Rental's property from any runoff through there. Anytime there is a heavy rain there we are dealing with water as far as buildings and depth of water flowing through. Anything in that little basin is finding it's way to the tracks. My only concern really with this building project, I like Ron and I know Ron, is how tall are the side walls and is it going to mess with the security aspects of Barragree Rental with our fence? Are kids going to find their way up and through by using his building? You have a 3 ft. space and then you have overhangs so you're pretty much sitting over the top of the fence or at least right on top of it.

Mr. Barragree stated the building side walls will be 12 ft. high and there won't be any overhang. So it won't be hanging over the fence.

Mr. Schmitt asked are there any other questions?

Mr. Andrew asked are you saying it's going to look essentially like this with the edge of the wall there and the only thing hanging would be the gutters?

Mr. Barragree stated yes, that is correct.

Mr. Welsh stated I think by looking at it he has addressed a couple of things. Our biggest concern was the water. I would agree with him on him saying that if they could take that water and direct it towards as more of a straight shot of going out to the back probably is a better benefit as far as the Girl Scout building. The other thing I want to do is if this is going to get approved if it requires us to be in support of the variance because it's a 35 ft. lot we want to do our job of diligence now and we want to protect the Girl Scouts and we want get as many conditions on this deed or approval as we can, meaning no outside storage. That's why I was concerned and I asked him about the sidewalls because now all of a sudden you get diesel trucks and trailers pulling in there with 12 ft. side walls. I would like to see if any motion were to be approved that a condition be put on there for adequate drainage to be put together going directly out to the back with no drainage being directly put off to the sidewall of our property so we have to take on the drainage. Secondly, cold storage only inside and no outside storage at all would be great for us. As far as C-5 zoning I don't think any landscaping has to be done for C-5 zoning does it?

Mr. Andrew stated no, not under these circumstances.

Mr. Welsh stated I think Ron is a great building owner as long as he keeps the lot clean I don't think there will be any problems. Our primary concern was as you can see a big drainage problem there. We just wanted to voice our opinion that if we can get everyone in agreeance there that that could happen. I think that's the best thing that we could shoot for is getting those conditions on there so if Ron ever sold the building we can still call the City if somebody starts storing things out there.

Mr. Schmitt stated thank you. Anybody else have any questions or comments? Seeing none we'll bring it back to the Board for discussion and action.

Mr. Wilson stated the more we talk about it the more problems there seem to be with this. It's getting more difficult to decide. I think that drainage problem is a concern and actually the neighbors on both sides south and north have expressed concerns about this.

Mr. Funk stated but if you take those gutters and drain them directly to that west drainage easement in tubing to make sure it gets there I really have no problem. I think you'll have a better drainage system than you have right now. I think the Girl Scout building will receive less water at it's edge than it does right now. As far as I'm concerned that drainage problem isn't solved but it's improved.

MOTION: Mr. Funk stated I move that we approve Application #V07-6 with the five staff recommendations. Item #1 being modified to limit it to indoor storage only and adding Item #5, that the rainwater from the guttering system be directly directed by tubing to the west drainage easement.

SECOND: Mr. Morse.

Mr. Schmitt stated it has been moved and seconded that we approve this variance with conditions. Any further questions or comments? All those in favor say "aye", opposed same sign.

VOTE: Motion carried 4-1. (Wilson).

Mr. Andrew stated the next step would be for them to submit plans for a building permit and we will make sure your conditions get carried over to the building plans.

Mr. Wilson stated especially the drainage.

Mr. Andrew stated that will be part of the condition that calls for the completed work to be inspected by the building inspector.

Item #3. Other matters.

Mr. Andrew stated we have no other items scheduled at this time other than we will meet in August. We have a case filed for a carport variance and the deadline for filing is tomorrow. So we'll see if we get anything else in but we do have an item scheduled for your August meeting. We'll be getting that information out to you.

Mr. Schmitt asked are there any other comments or questions from Board members? Seeing none we are adjourned.

Meeting adjourned at 4:56 p.m.

Dean Andrew, Secretary

ATTEST